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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

SAMUEL JOHNSON, III,
Individually and as Natural Tutor for
S.J. IV and D.J.

CIVIL ACTION NO. 09-1257

VERSUS

JUDGE ROBERT G. JAMES

CHIEF MILES JENKINS, Individually
and as Chief of Police for the TOWN OF
WATERPROOF, et al.

MAG. JUDGE KAREN L. HAYES

J U D G M E N T

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED, ADJUDGED, AND DECREED that Defendants' Motion to Dismiss Plaintiff's Complaint [Doc. No. 21] is **GRANTED IN PART and DENIED IN PART**. The motion is **GRANTED** as to Plaintiff's claims against Bobby Higginbotham and Miles Jenkins in their official capacities, and those claims are **DISMISSED WITH PREJUDICE**. The motion is **DENIED** as to the Town of Waterproof, and Plaintiff's claims against the Town remain pending. Plaintiff's claims against Bobby Higginbotham and Miles Jenkins in their individual capacities also remain pending.

MONROE, LOUISIANA, this 17 day of October 2010.

[Signature]
ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE